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"Horse Patrol"
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Consider This!

by James J. Baxter, President, NMA

After spending 20 years being exposed (professionally) to traffic laws, traffic law enforcement, and traffic courts, it's impossible to escape the conclusion that the whole system is rife with graft, corruption, vested interest manipulation, and fraud. The current state of affairs can only be described as unethical and immoral. The bellicose claims that traffic laws and traffic enforcement are solely in place to protect public safety are specious exaggerations of the first order. Speed traps on the safest roads, red light cameras at intersections with mistimed lights, DWI laws that classify sober drivers as drunks, speed limits set so low that 99 percent of the vehicles exceed the limits, and residential intersections riddled with four-way stop signs all lay waste to the pretence that "safety" is the principal motivation.

When enforcement officers are dependent on ticket quotas for advancement, perks, and lucrative overtime assignments, it's not hard to see how their vested interests can shape their priorities. The same can be said for those who work in a court system that is heavily dependent on traffic fines for maintaining buildings, buying equipment, paying personnel, and funding retirement programs.

In a country supposedly based on the principle of "Equality Under the Law" we have "professional courtesy" where police officers don't give tickets to other police officers. Yet, this corrupt process is so pervasive that it has become accepted as "normal." The presumption of innocence, right to a jury trial, access to Discovery, and unbiased judges are now rare novelties for traffic ticket defendants.

I have a solution. Let's demand that the money be taken out of

traffic enforcement. Let's eliminate traffic fines.

Before you write this off as a wacky idea, consider the following perspective:

For two decades we have dealt with thousands of regular folks who have received traffic tickets. With rare exception almost everyone is willing to pay the fine, but they do not want points on their licenses or want to suffer the insurance surcharges that follow the fines for the next three to five years. It is very obvious that the real deterrent is the "points"—not the fine. So, let's drop the fine and just issue points.

My ears are burning. I can hear you saying, "No, no, keep the fines but drop the points." In fact, that has already happened in the worst traffic ticket extortion mills around the country. Pay a bigger fine and the points will disappear.

This is the wrong way to go, and here's why. Today's worst enforcement abuses, the most blatant graft, and most exploitive courts are driven by traffic ticket revenue. Traffic ticket revenue is distorting enforcement priorities. Solving real crimes is difficult work and costs money. Running a speed trap takes zero intellect and makes serious money. So where are enforcement resources going to be applied (that's a rhetorical question)?

Think about how removing fines will affect enforcement priorities. If there is no money to be made, why run speed traps on safe roads? Why make a federal case out of an honest mistake like an improper U-turn? I envision a real switch in priorities where the real hazards will be

continued on page five

EPA Proposes New Motorcycle Standards

The *Environmental Protection Agency* (EPA) has issued a proposal for revised national emissions standards for new road motorcycles. The EPA claims that street-legal motorcycles are "significant contributors" to air pollution. The first tier of the new standards would go into effect in 2006 while the second tier would begin in 2010.

The *Motorcycle Riders Foundation* (MRF) testified against this proposal at a public hearing conducted by the EPA. The MRF stated, "Inaccurately classing our bikes as 'recreational' and dismissing—without documentation—the legitimate concerns of the motorcycle riding public regarding rider safety and motorcycle performance, EPA grossly overestimates the degree to which street bikes contribute to the total motor vehicle pollution inventory and grossly underestimates the cost per

bike of the new controls.

"Motorcycle performance is tantamount to motorcycle safety; rider safety depends on the bike's ability to out-accelerate and out-brake passenger cars. Our safety also depends on the bike's ability to deliver smooth power at low speed and idle in traffic without generating excessive heat that exposes the rider to dangerous fatigue. EPA's brief comment on these concerns (such as horsepower and torque comparisons of some unnamed motorcycles—without so much as a footnote) does not approach even a superficial answer to these legitimate questions. From the perspective of the motorcycle rider, the performance and safety concerns are real, and the EPA has not adequately addressed them."

The MRF also testified that this proposed rule would "ban venerated classic engine families and destroy a vast cottage industry of small

businesses—from small-volume motorcycle makers to the aftermarket. The direct costs of this unnecessary regulation will be the loss of tens of thousands of jobs and a radical reduction in motorcycling in America. The unavoidable result of this regulatory excess will be an increase in fuel consumption, traffic congestion, and air pollution."

The MRF has asked the EPA to delay their proposal to ensure that the MRF has enough time to conduct research into the long-term effects of this proposal. The MRF has also asked other motorist organizations to contribute to this research. The *National Motorists Association Foundation* has made a modest grant toward this study and will help distribute the results to our members and the general public. ☺

Mississippi Raises Speed Limits

The Mississippi Department of Transportation (MDOT) is participating in the Federal Highway Administration's (FHWA) "rational speed limits" program. This is a federal grant that has been offered since 2001 aimed at testing the effectiveness of 85th percentile speed limits.

The 85th percentile is an engineering term that refers to setting a speed limit that reflects the speed that 85 percent of the vehicles are travelling at, or below. This is an engineering principle that NMA has advocated for years.

Due to this program, MDOT has increased speed limits by 5 mph on certain sections of US 49 in the area around Gulfport. They will monitor these limits, accidents, and tickets on

these stretches for one year.

Wayne Brown, Southern District Transportation Commissioner, said, "For the first time, we're using scientific methodology, such as looking at the volume of traffic, speed differentials, and citation numbers. We believe the higher limits are appropriate for Gulfport."

"If motorists will abide by the new limits and drive with caution," he said, "the higher speeds should lessen the number of crashes and fatalities, and reduce the number of drivers ticketed for speeding."

"Speed isn't the biggest factor that causes accidents," Brown said.

"It's the slower drivers that cause most of your rear-end accidents and fender-benders," said Andy McNair, traffic engineer for MDOT.

The higher limits are:

- U.S. 90 to 19th Street: 35 mph
- 19th Street to 28th Street: 40 mph
- 28th Street to 34th Street: 45 mph
- 34th Street to O'Neal Road: 50 mph
- O'Neal Road to Mississippi 53: 60 mph. ☺

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The Vanishing Art Of Moving Over

By Eric Peters

Eric Peters is a Washington, DC-based, nationally-syndicated automotive columnist. He has written for *The Wall Street Journal*, *Investors Business Daily*, *the Detroit Free Press* and *The Washington Times*.

New roads would be helpful in terms of easing gridlock and ameliorating "road rage"—but the revival of lane courtesy would be even better.

Lane courtesy is simply this: moving to the right and allowing faster-moving traffic to pass. Americans almost uniformly ignore this cardinal rule of road civility. And it's probably the biggest single reason why driving has become so tooth-pullingly unpleasant in and around major cities; indeed, any place else there are a lot of vehicles on the road.

Americans do not practice lane courtesy because it isn't taught in American driver-education courses—and the self-appointed "public safety" frauds refuse to discuss it. The claptrap taught in most state-approved driver's ed courses suggests that it's sound policy to occupy any lane on the freeway—provided you are doing the lawfully posted speed limit. The person, therefore, who refuses to budge from the left lane is convinced he's in the right—and the angry conga line of drivers stuck behind him fuming and inevitably tailgating as they jockey desperately for enough space to make a move—are "aggressive" and full of "road rage." Because he's doing the speed limit, after all—and clearly not violating any of the rules of "defensive driving."

It's the same thing on two-lane divided highways. How often have you been stuck in a rolling roadblock because two cars, one in the left lane, one in the right, have matched each other's cruise control perfectly and neither refuses to pull ahead of the other to allow you to get by? They see

you back there, of course; They just don't care. In their minds, this rudeness is perfectly OK, even though it is an especially loathsome form of passive-aggressive behavior.

But of course, "the law" says the speed limit is such and such—and that anyone wanting to pass a car that's already going that fast is therefore technically in the wrong. This is nonsense, of course. Traffic laws have been twisted like a boardwalk pretzel by various political factions—factions for whom safe, efficient travel is the least of their concerns. The result? Atrocious, politicized driver-ed courses, futile and even dangerous

In their minds, this rudeness is perfectly OK, even though it is an especially loathsome form of passive-aggressive behavior.

pronunciamentos about "driving defensively" (e.g., mindless obeisance to arbitrary laws and rules, whether they make sense or not) and a nightmare driving environment that makes one want to take the bus.

The Europeans are more enlightened and enforce lane courtesy at ticket point. Drivers who occupy the left lane and impede the flow of traffic are considered scofflaws and are fined. In Europe, it is understood that failure to yield to faster moving traffic is a hazard that can cause accidents. Strict enforcement—and widespread public practice of the art—explains why European roads (even those of Germany and Italy, where speeds are often much higher than on U.S. interstates), have lower overall accident and fatality rates.

It is also pleasant to drive in Europe—and that is even more valuable than driving fast. People uniformly move over when you approach at a faster speed; the far left

lane is used for passing only. The cattle-like plodding of minivans piloted by oblivious hausfraus dawdling along at exactly 55-mph in the fast lane is unknown. The cops do not generally harass drivers for violating silly speed limit laws set by revenue-hungry politicians more interested in accumulating cash than saving lives. On the continent, the polizei concern themselves with—shazam!—genuinely dangerous activities—as opposed to what happens here to us Americanos.

All of the foregoing is, of course, extremely politically incorrect. The dumbed-down highways and drivers of America will hear none of it. And it may indeed be too late to effect any change. An entire generation of misinformed, indoctrinated "defensive drivers" will have to part from the scene before proper driving etiquette might be reintroduced.

But perhaps a grass-roots resurgence of polite driving practices could be sparked. One by one, car by car, let's all make it a point to move to the right when another car wants to pass. Let's all repeat the mantra: Enforcing the speed limit is not my job... If someone wants to get around me, I will allow him to pass. If I am not passing anyone and am simply cruise-controlling my way someplace, I will move over to the right...

It's not a difficult thing. And it would make our harried, over-stressed lives just a little bit nicer.

C'mon. What do you say? 🙄

With Congress, every time they make a joke it's a law, and every time they make a law it's a joke.

—Will Rogers

Books Of Interest

Every *Woman's Car Care* by Bridget Kachur

The highways are jam packed full of folks who have next to zero knowledge about the vehicles they are driving. Not all of them are women, that's for sure, but this book is written by and for women. Its 262 pages cover everything from how to read gauges to "jump starting" and trouble shooting. Frankly, it's a great on-board manual for just about anybody to carry in his or her car. And, while keeping it in the car is a good idea, it is an even better idea to read it first, before you need the information it offers.

Every Woman's Car Care can be purchased for \$14.95 from the NMA web site (www.motorists.org),

by calling 800/882-2785, or by using the order form on page 15 of the *NMAF NEWS*.

Road Repair Handbook by Roderick D. Johnston

This book offers a different theme from most publications reviewed in the *NMAF NEWS*. Still, it seems a worthwhile offering to bring to your attention.

What this book isn't is a highway construction manual. This is a manual for the private landowner who is responsible for private driveways and access roads, including those that are unimproved. If you have a private driveway or access road that is constantly presenting you with washouts,

potholes, crumbling pavement, and unwanted obstacles, this is the book for you. It contains guidance and recommendations on the full gamut of road repair and construction tactics. Road alignment, grading, fill, surface options, repair techniques, use considerations, drainage, and maintenance are a representative sample of the information offered. It also contains suggestions and advice for effectively working with other property owners who have an interest in a mutually owned roadway.

The *Road Repair Handbook* can be purchased for \$19.95 from Trans Mountain Publishing at www.transmtn.com or calling 1 (425) 222-6868. ☞

Estate Bequests

Because the economy isn't doing as well as it has in the past and money for donations isn't as handy as it was, the *NMA Foundation* would like to offer you the opportunity to contribute in a different way. Donations come in many forms, but one that is often overlooked is estate bequests. These generous donations are made in the context of an overall estate plan that dictates provisions for one's heirs as well as

charitable contributions.

Bequests are easy and flexible. You can simply state that "I give \$XXX to the *NMA Foundation*, a non-profit organization, for its exempt purposes." You can even be as specific as you would like to be. You can direct that your donation be used to address certain issues or certain projects.

Bequests help preserve as much of an estate as possible through tax-saving devices and opportunities.

Under current law, some assets are subject to extremely high tax rates when passed to heirs through an estate. Such assets are ideal resources to use in making a charitable gift by will or trust.

For more information on the benefits of estate bequests, you should talk with your estate planner or call *NMA Foundation* Executive Director Jim Phend at (317) 844-1932 or jphend@indy.rr.com. ☞

Ticket System

continued from page two

targeted, the people and situations that cause accidents. They'll get points, suspensions, and come to the attention of their friendly insurance companies. And, because their *driving* and not their *money* caused

the enforcement action, they may well deserve these consequences.

Remove the money and the number of tickets would likely plummet. With fewer tickets and no fines the volume of court cases should also plummet. While the courts will hate losing the revenue, they won't mind the reduction in caseload. With fewer cases the court system might even treat traffic

ticket defendants with a fairer hand?

For right now, set aside the political reality concerns, and work this over in your mind. Think about how it might work. Send us your thoughts and opinions. For sure, those who carp "it's for safety, not money" will be hard pressed to keep on straddling the same old weather worn fence. ☞

Belt Laws: Following The Money

by Mark Halter and Bill Holdorf, NMA Members

Legal mandates, particularly laws as unpopular as compulsory seat belt use statutes, do not just appear on the national scene from somewhere out there in the wild blue yonder. No, law making is now a business and—like all businesses—is dependent upon and responsive to the flow of money. Laws are now bought and sold, very much like any other commodity.

We have determined who bought the original round of belt laws which were passed back between 1985 and 1992 and we are now investigating those who are trying to have all secondary belt laws in the country converted to primary offense statutes—so-called standard enforcement belt laws.

Automakers provided essentially all the money used to obtain the first belt laws. Over a seven year period, a coalition of automakers spent \$93.2 million to influence lawmakers. The money was passed through a front group called *Traffic Safety Now, Inc.* (TSN), which operated out of Detroit and Washington DC. And, how the money flowed! State "grass roots" coalitions were set up and backed with almost \$40 million. Public relations firms got \$30.4 million. Lobbyists received \$7.4 million. A sub-group that dealt specifically with federal politicians spent about \$6.1 million. And, some \$2.6 million was used to put down citizen initiative referenda against belt laws whenever and wherever it arose in individual states. These numbers were tabulated from IRS 990 forms submitted by TSN between 1985 and 1992.

That was then; Let's look at now.

We are presently tracing the money being spent as the auto industry—joined this time by a few major insurance companies—try to buy primary enforcement belt laws in all states. Our work is more difficult now

because corporate money providers have become more skilled at hiding money. In their previous use of a freestanding pressure group (TSN), money was fairly easy to follow because all of the funds received each year were used for the specific purpose of belt law promotion. TSN had no other function. But now, corporate belt law money is being funneled through an established multi-purposed lobbying group, the *National Safety Council* (the folks that gave us "Speed Kills"). By mixing new money with old money, the amount that corporations are spending to promote primary belt laws becomes more difficult to determine.

Still, reasonable estimates can be made. We have now collected IRS 990 forms for the National Safety Council between the years of 1994 and 2000. From these we have established an NSC funding baseline prior to automaker belt law contributions (pre-1996) and then compared this number to subsequent years when corporate belt law money is known to have started to flow. This analysis suggests that the auto/insurance complex has already spent about \$35 million to influence primary belt law proposals.

We tried to get more specific details by writing to the Chief Financial Officer of the NSC. No response. We then tried the Executive Director of the NSC and his chief accountant in Chicago but, again, no response from either person. Their silence is most telling.

It is now clear. Belt laws are a direct result of massive corporate spending, backed by intensive public relations and media campaigns. The broader use of such techniques has now been described in significant detail by Sheldon Rampton and John Stauber of the *Center for Media and Democracy* in their recent book, *Trust Us, We're Experts!* (2001, Penguin

Putnam, New York). All too often, private corporations are now making public policy.

Of course, once belt laws are passed by state legislatures, the tab for enforcement is picked up by the federal government. According to the *National Highway Traffic Safety Administration* (NHTSA) web page, some \$500 million has been or will have been spent between 1999 and 2003 to "encourage" individual state police agencies to issue seat belt citations. The aggregate national fine paid out by motorists over the years for belt law tickets is unknown, but undoubtedly staggering. Billions of dollars. Many of us now pay federal taxes, in part, to set the police against ourselves!

If we admit that money now controls political decision-making, some intriguing questions arise: How much would the public have to pay in order to have belt laws repealed? How big does the pressure group have to become? Better yet, should the public have to pay anything at all to have these corporate-imposed mandates eliminated?

Finally, our extensive experience with the press suggests to us that editors decided long ago that the public has no right to accurate information about the origin and effects of belt laws. We disagree. The public must be informed about what is happening. 🖱️

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Seizures Stopped

A judge has ruled that New Jersey's practice of allowing police and prosecutors to keep the money and assets they seize is unconstitutional. This practice allows law enforcement officials to have a stake in the materials (cars, computers, etc.) seized from criminals and suspects.

Carol Thomas, 45, a former sheriff's deputy, has a 17 year old son who drove her car at times. This son was caught selling marijuana. He pleaded guilty and was sentenced to house arrest. That wasn't the end of the story. The state then filed a complaint against Thomas' car and seized it. However,

no drugs were ever found in this vehicle and it wasn't actually used in the deals.

Thomas sued to have her car returned and won. She then sued the state to challenge the constitutionality of civil forfeitures.

So far, she is winning this legal battle. The judge ruled "the seizures give law enforcement financial interests which are not free of the taint of impermissible bias in enforcement of the laws."

However, the state plans to appeal this decision and in the meantime have asked the judge to allow distribution of previously seized assets (these

amounted to nearly \$32 million in a two-year period ending in 2000).

"Civil and criminal forfeiture is a legitimate law enforcement tool that allows police and prosecutors to take the profit out of crime," said John Hagerty, a spokesman for the state Division of Criminal Justice.

This is actually a half truth. Forfeiture may take the profit out of crime for criminals, but it sure puts a financial incentive on the table for law enforcement officials. The NMA will be reporting this case's progress to members as it develops. 📧

Virginia To Charge I-81 Tolls, One Way Or The Other

by Aarne Frobom

The State of Virginia recently shelved a proposal to widen its main freeway, I-81, to eight lanes, with a four-lane toll freeway in the median exclusively for trucks. That scheme was opposed by truckers, who hate tolls, but was killed on the orders of the Norfolk Southern railroad, which feared an efficient truck freeway.

But now it looks like all users of I-81 may pay a kind of toll, not just truckers. On January 12, 2002, Virginia Governor Mark Warner proposed making I-81 a "Transportation Safety Corridor with enhanced penalties." That is, minimum fines of \$250 for traffic violations.

Construction Zones—A Precedent

The state says the "safety corridor" scheme is modeled after the double-fine programs that many states have for construction zones. It's evident now that construction-zone fines are the edge of the wedge for higher fines generally. Governor Warner is proposing that the state's busiest

highways be treated as if they were one big high-risk area.

This is at odds with safety statistics. Freeways and other state highways ought to have a state's lowest accident rates. Clearly, this deal is motivated not by where the risk is, but by where the money is. By imposing double fines on freeways, the state is proposing to charge the highest fines on the safest roads, which also have the highest traffic volumes, the highest proportion of drivers from out of state, and where it is easiest for the police to write tickets. There's slim pickings, and not much room to pull drivers over on most other Virginia roads. NMA members nationwide should watch for their states to adopt this tactic. It's probably not a coincidence that I-81 serves few Virginia destinations, and carries a higher proportion of through travelers than the state's other freeways.

The proposal requires legislative approval. If Virginia legislators are on the job, they ask the Governor why the state's safest road should have its highest traffic fines.

Unintended Consequences

They might also ask how many people this "traffic safety" measure will kill. If I-81 is turned into a gauntlet of cops eager to collect double fines, some drivers will choose other routes rather than risk tickets. Parallel routes like US-11, weaving through mountain passes, are far less safe than the freeway. The state says that the mix of autos and trucks on I-81 "imposes a significant safety risk to the citizens of the Commonwealth." Alternative roads likely have accident rates three or four times that of I-81. So, will the Commonwealth's citizens die in larger numbers if they're scared off Virginia's safest road by \$250 fines? 📧

Visit the
NMA web site
for more motorist
information.

www.motorists.org

DWB Related Accidents

by James J. Baxter, President, NMA

An exhaustive study by the *National Highway Traffic Safety Administration* has determined that virtually 100 percent of ALL traffic crashes are DWB related. When compared with the 40 percent of alcohol related crashes, the 35 percent speed related crashes, 60 percent driver error related crashes, 20 percent cell phone related crashes, and 70 percent aggressive driver related crashes, it is clear that DWB related crashes should be the number one priority of government safety and law

enforcement agencies.

Intensive investigation of both fatal and non-fatal crashes determined that each and every one of these accidents was DWB related. The same results were gathered from a similar analysis of property damage only crashes. Every single pedestrian and bicyclist struck by a motor vehicle was the victim of a DWB vehicle operator.

In stark contrast to DWI and DUI operators, DWB drivers freely admitted to DWB. DWB was obviously a factor in each and

every crash.

Amazingly, neither the federal government, nor any state has a law against DWB! The one factor related to all traffic accidents and the government hasn't offered a single program to reduce DWB crashes. It may remain up to private organizations like MADD to address this pervasive problem. Ideally, they should start a new subsidiary so as not to dilute their drinking and driving campaign. Perhaps it can just be called Mothers Against Driving While Breathing. 🐾

Rule Against Anonymous Tips

MADD (Mothers Against Drunk Driving) is showing its true colors again. The District II Court of Appeals panel in Waukesha, Wisconsin ruled that an anonymous phone call reporting a suspected drunken driver is not by itself reason enough for police to stop someone.

Sarah Peacock of Mequon, Wisconsin was arrested for drunk driving by the city's Police Department. The police had received an anonymous call that gave a description of the car and a license plate number.

Officer Anthony Restivo went to Peacock's residence and found her in the driveway of her home. Restivo claimed to smell intoxicants and had her perform several field sobriety tests which led to a preliminary breath test. Peacock was then arrested.

Restivo hadn't seen Peacock driving erratically or showing any signs of driving drunk. There was no witness to the event of her possible drunk driving other than the anonymous tip.

So, the appeal court ordered the decision to be withdrawn. "(We) do

not know when the tipster called in relationship to his or her observing the illegal activity, why the tipster called, or where the tipster called from," the court wrote. "Thus the tip here is lacking in both quality and quantity."

Kari Kinnard, the executive director of Wisconsin's MADD questioned the decision. "It's sad and disturbing on so many levels," she said. "I know the court must look at each case individually, but you have to wonder if this was a burglary case, some other type of case, if the police would have to jump through so many hoops."

She also indicated that this may mean that fewer people will report other drivers. "If they are required to make their identity known, I'm afraid people will choose not to call in a suspected drunken driver," Kinnard said.

In other words, MADD is fine with punishing motorists even when the only witness to the violation is someone who won't identify him or herself. Never mind the lack of evidence. It seems if MADD had their way, suspicion would be enough for your arrest. 🐾

Return Address

From time to time, we receive mail without return addresses. This makes it difficult for our membership department to ensure that you receive your benefits. For example, a member will pay for his/her membership with a money order and not include the renewal form. That member's name isn't on the money order and the signature isn't legible. We then refer to the return address on the envelope for a name. If it isn't there, we don't know who to credit with the renewal.

Filling out the return address will make it easier for us to ensure that you receive the member benefits that you deserve. Please help us to better serve you. Thanks. 🐾

Saving Lives!

By Eric Skrum, Managing Editor

It's not about revenue, It's about saving lives!" If I had a buck for every time this propaganda about red light cameras was regurgitated to the public, I would be a very, very rich and happy camper! It is amazing that such a blatant lie can still be thrown at you with a straight face.

San Diego, California officials announced that the city would be resuming its red light camera project in April 2003. This announcement was accompanied by the "Saving Lives" catch phrase. City Councilman Jim Madaffer even took it a step further by stating, "My hope is that we don't turn a profit, but that we cut down on the number of red-light runners."

Of course, officials don't see the blatant hypocrisy of their statements as they also announced that the ticket fines would increase to \$324 per citation (this is \$53 above the previous fine of \$271) specifically to help defray a massive budget deficit for the state.

At least Washington DC officials were semi-honest about their reasons for cameras. DC Mayor Anthony A. Williams said he wants "to expand the use of traffic cameras because the city needs the money."

"The cameras are about safety and revenue, and the way not to pay that tax is to not be speeding," Mr. Williams said. These comments were a drastic change from earlier in 2002 when he told a radio audience that, "The purpose of the traffic cameras was to calm dangerous streets—not generate revenue for the city." Then again, it's hard to argue that revenue isn't a factor when your city brought in approximately \$20 million in the first 15 months of operating its photo enforcement program.

Ventura, California was also counting on ticket cameras filling their coffers. The city installed cameras in May 2001 and expected to bring in \$5.7 million during the first five years. However, with an average of less than one fine per day, officials say they will be lucky to collect \$475,000. Because of this, the city is being forced to renegotiate their five-year contract with RedFlex Traffic Systems, the Scottsdale, Arizona camera manufacturer. The original agreement stated that Ventura would keep 76 percent of the fines collected after the first 18

months of the contract, provided it also pay RedFlex \$2,500 per camera per month, or \$480,000 annually.

Under the revised contract, which has

yet to be approved, Ventura would pocket 15 percent of the fines collected, while the remaining 85 percent would go to RedFlex.

City officials have implied that the lack of red light violations is a problem for the city because they aren't able to pay for certain city services with the revenue they believed they would be collecting.

And, the list goes on and on of examples where officials may claim it is about safety, but it's the revenue that they are really counting on. ☹

And, the list goes on and on of examples where officials may claim it is about safety, but it's the revenue that they are really counting on.

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News From Around The Country

Colorado

Dallas-based ACS State and Local Solutions has been caught double-charging photo radar tickets by as much as \$100,000. ACS may have overbilled as many as 3,000 drivers in the past four years. The company accidentally sent notices to some drivers saying they had failed to pay their tickets, even though some of them had sent in a payment. There is still some question as to whether ACS will refund the money or not.

Georgia

In the summer of 2002, Peachtree City resident complaints concerning speeders caused the city to install 12 stop signs, four speed humps, warning signs, and a 20 mph speed limit on the one mile Golf View Drive. Because some residents opposed this, the City Council asked the Georgian Department of Transportation (DOT) to render an opinion. DOT recently determined this was excessive and forced the city to remove six stop signs, two speed humps, and restore the speed limit to 30 mph.

Iowa

Two companies have agreed to pay Dallas County \$525,000 to replace a street near Waukee that was resurfaced with recycled material that included nails. Hundreds of pounds of roofing nails had been left in ground up shingles that were used to resurface the street. The county has paid motorists more than \$22,000 for damaged tires.

Michigan

Federal agents have begun randomly stopping traffic looking for illegal immigrants, terrorists, and drug or weapon smugglers. Cars will be stopped at unannounced, rotating checkpoints within Michigan. U.S. Border Patrol agents at these checkpoints will ask motorists their citizenship and can follow up with any questions they deem appropriate.

North Carolina

Troopers have boosted enforcement through the I-77 construction zone. If a motorist is caught breaking the law in this construction zone, they face a \$250 fine. In a four day period, they gave 343 tickets for various offenses such as speeding or seatbelt violations.

New York

The Buffalo Police Department is considering changing its policy to require all of its officers to wear seatbelts. Ironically, the very officers who enforce the law that mandates that motorists must wear their seatbelts are actually exempt from the seatbelt law. And the various departments across New York State are able to set their own policy.

Also, the Senate majority leader has announced that they would pass an Assembly bill that would lower the Blood Alcohol Content (BAC) level from .10 to .08. Once again, this issue was discussed in terms of how much money the state was losing in federal funds by not passing this legislation rather than the actual merits of .08 versus .10.

Oklahoma

The Oklahoma Transportation Authority unanimously voted to transfer operation of the 17 mile Chickasaw Turnpike to the Oklahoma Department of Transportation with the intention that this area will then become a free road. The Transportation Commission (which oversees the DOT) is considering this proposal.

Pennsylvania

House Bill 2410 passed the legislature and is on its way to be signed by Governor Mark Schweiker. This legislation will suspend your license for 15 days if you are in an accident in a work zone or if you are driving your vehicle 11 mph or more over the speed limit in a work zone. It

also doubles the fines for tickets in a work zone.

Washington DC

DC police have announced that 2,400 photo enforcement tickets were erroneously issued in October 2002. These tickets will be dismissed and motorists will be reimbursed if they have already paid the fines. According to the police announcement, the erroneous tickets were issued October 15 in the 3300 block of East Capitol Street, and October 15, 17 and 19 in the 2500 block of Porter Street NW. The tickets were not issued based on the actual speed limits. Due to an error, tickets were issued based on a 35 mph speed limit. In actuality, the speed limit was 40 mph. Motorists who believe they have mistakenly received a ticket should call 202-756-5884.

Wisconsin

Included in the 2003-'05 budget requested by the state Department of Transportation are the following proposals:

- Doubling license plate fees from \$45 to \$90 a year
- Lowering the blood-alcohol level standard for drunken driving from 0.10 to 0.08 to gain federal money
- Enacting a primary enforcement law (authorizes police to stop drivers solely for not wearing their seat belts). ↵

Motorist News

If you have any news on motorist issues, please send it to the National Office. You can email it to us at nma@motorists.org

or you can mail it to:
Eric Skrum, Executive Editor
NMAF NEWS
402 W. 2nd Street
Waunakee, WI 53597

The Experts' Corner

Do you have a question that only an expert can answer? If so, look no further. We have many NMA members with special fields of expertise. This feature was created to assist members with answers to both practical and technical questions.

This sharing of knowledge is another benefit of belonging to the NMA. Please indicate that you are an NMA member when calling a listed "Expert."

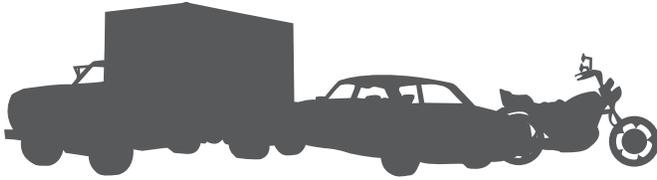
Can you help? Please contact us with your field of expertise and provide us with a contact address.

A telephone number would be very helpful, but is not required. Feel free to list preferred contact times if you do provide a telephone number.

PLEASE NOTE: This is not intended for listing of commercial business services.

As an NMA member, the Experts' Corner is available to you online at

<http://www.motorists.org/join/membersonly/experts.html>



MEMBERS WRITE

Your letters are welcomed and appreciated. This is a forum for diverse opinions, different perspectives, and personal experiences. Letters may be edited for length or clarity. Letters should not exceed 300 words in length. Full-length articles will also be considered for publication in the NMAF NEWS. Articles should not exceed 600 words in length. Positions and opinions expressed in letters and member-authored articles are those of the author and do not necessarily reflect NMA policies or objectives. To submit, you can email us at nma@motorists.org or mail to our NMAF Office.

You'll notice that as soon as you pointed out that Bill Moyers should have protected his rights by fighting his case that emotional readers instantly chided you. They were worried about preventing another needless traffic fatality that this time was only narrowly avoided by the enforcement of draconian DUI laws against a marginally impaired driver. I do not hear them clamoring for equally rigid enforcement against the other marginally impaired drivers on our roads. However, to be fair, I think we should examine other marginally impaired drivers and treat them accordingly.

State prison systems will find themselves penniless as the health care intensive elderly flood the jails. Impound lots across America will be filled with Ford Crown Victorians and Buick Park Avenues. Blue Boar Buffet and bingo parlors will be forced into bankruptcy as their clientele will be too afraid to drive home after an afternoon out after just having "played only a couple of bingo cards, officer." In a positive side effect, the freeways will be rid of several tractor-trailers as scores of "I've-forged-my-log-book-to-make-it-home-to-see-my-kids-so-I've-driven-for-18-hours-straight" truckers are finally put away once and for all. No more tobacco-spitting tractor driving farmers on the roads either. Teenagers will go to prom in a youth detention center as they have been picked up for once again driving a

lowered Honda while under the influence of extreme car audio. In another welcome change, cell phone yapping soccer moms will go to soccer jail. Funeral processions will be halted as Americans scream, "Driving while grieving, it only leads to death." Likewise, we will also hear the similarly apt slogan, "Driving while smoking, it only leads to death." School bus drivers will be lucky to avoid jail for a week.

The point of this rant is that we all deal with mildly impaired drivers on a daily basis. Yet we only demand that a small portion of them (typically on the road when it's least crowded) be treated the most severely. "Drunk driving" needs to truly be drunk driving (very impaired driving)—not slightly buzzed driving. Prosecute all similarly impaired drivers with equal zeal. Otherwise, it's time for the MADDstapo to admit that their true goal is not safe roadways but prohibition.

Stop the MADDness.

J. Scott Wantland
Mount Washington, KY

Activism can be easy!

On my way home from lunch with my wife, I noticed a clutch of San Jose police officers on the other side of the boulevard, running a speed trap at the corner of Branham and Heppner. They were clearly having a good time of it, as one officer was aiming the radar gun

out from concealment within the shade of a tree, up a long hill as the three westbound lanes of Branham slope down from a freeway overpass, while the other officers made the stops.

I quickly went home, ran off a letter-size sign on my computer reading "SPEED TRAP!" in 220 point Helvetica, and returned to the peak of the hill, then began showing the sign to oncoming traffic.

In less than 15 minutes (!) they gave up and went off to more useful police work, and within that short span of time, I received numerous appreciative waves, thumbs-up, and even had one motorist loop back around the boulevard and pull up to thank me personally!

Foiling the road-tax collectors (a.k.a. traffic cops) can be easy, fun, and doesn't even take much time. Try it sometime, you'll enjoy it!

Michael Pelletier.
San Jose, CA

Here is a web site for still another organization in my fair city that seeks to ultimately take away our right to drive a car. www.livablecity.org/ In short, by "improving transportation options," that means "take a bus." When he says "change zoning requiring a parking space for each living unit" he really means "buy a bike, 'cause cars will be outlawed soon." And so on.

continued on next page

Members Write

continued from previous page

There seems to be an increasing number of such groups throughout our cities. No one would argue that we should think about our transportation needs and plan in an effective manner to minimize problems. But, clearly the answer is not to do away with our transportation industry, especially the personal car. The auto industry (primary and secondary businesses) comprises one-seventh of our national economy. If you think our economy is in the crapper now, wait until one-seventh of it is history. The Great Depression will look like a walk in the park compared to what nasty shape the US will be in without cars. NMA members need to be aware of this "movement" and counter it at every turn, with sanity.

Ted Loewenberg
San Francisco, CA

Finally after waiting and wondering if the NMA was ever going to print an article useful for proactive ticket avoidance... "Lasar Jammer Testing" in Volume 13, Issue 6, saves it from the circular file. I applaud **NMAF NEWS** editors for taking the initiative in giving members information we need. More, much more, please!

I've often wondered why the organization couldn't (or wouldn't) provide us with real facts and data concerning the countermeasures available against speed enforcement. Controversial stances have been made on other issues such as Blood Alcohol Content laws, etc. Why not articles on strategies, and equipment available to members for addition to their defensive tactical weapons system? At a minimum it would be appreciated if we could just be given notice of articles and information already accessible elsewhere that

may be too controversial for the **NMAF NEWS** to print or reprint

Jean Zirger
Mena, AR

Editor's Note: It isn't that we think this is controversial information; It's that we tend to do articles that deal with motorist issues legislatively. I will keep in mind that our readers may be interested in this type of article as well.

I wanted to send a short email to thank you for advice and information included in your **Legal Defense Kit™**. On the way to work about a week after I acquired my new 2002 Audi A4, I saw flashing lights in my rearview mirror. There had been no alerts from my radar detector, and being that it was 5:30 am, dark, and a light traffic flow, I was surprised to find any of Cobb County, Georgia's finest anywhere except at the Waffle House. Despite the prospect of the impending fine and insurance implications resulting from the ticket, I swallowed my pride. I went to court prepared to just pay the \$375.00 fine. The judge, however, persuaded me to change my plea to "not guilty," and come back at a later date for trial. I had questioned certain aspects of the "routine" speeding stop, and the judge confirmed my suspicions when he told me, "You know, the police don't work for me, and there is no guarantee the officer will show up to court." I changed my plea to "not guilty" and left the courtroom wondering what to do next.

About this time my roommate saw a mention of your organization in Kiplinger's, and passed the info on to me. I checked out your web site, said what the heck, joined the NMA, and ordered the **Legal Defense Kit™**. The **Traffic Ticket Defense** book was all I needed to read. It prepared me for what would happen in court, and how to be a

proactive and informed defendant. Once in court, I experienced *deja vu*, as the courtroom drama unfolded minute by minute exactly as was written in the book!

Long story short, the first trial date resulted in a continuance, as the officer was "sick," and failed to appear. I objected to this, but was overruled. On the continuance trial date, the officer once again did not appear, and I moved for dismissal. My objection of the continuance from the first case had been duly noted in the records, and the prosecution had no choice but to drop the case. I later heard the prosecutor speaking with the judge. The prosecution informed the judge that when they had contacted the officer that afternoon (when he was already supposed to be in court), he had no recollection of me or the violation. And, the officer would be unable to procure speedometer calibration certificates for the vehicle he was driving on the date of the alleged violation. Even if the officer had appeared, I most likely would have won due to the tips I learned from your materials.

I have since learned to properly control the speed of my sporty German sedan, and have become extra vigilant regarding cruisers that might be lurking. But I also have the satisfaction of knowing that I beat a system that tries its best to beat you. It saved me money, insurance headaches, and some pride.

Jeffrey Kuehnhoff
Atlanta, GA

I had my trial at long last. No ruling as of yet. The judge is still studying the evidence I submitted. The odds were almost impossible, but I gave them a good defense. Thank you for making your **Legal Defense Kit™** available. I would have been totally lost without it.

John Whiteside
Benson, AZ 🐾



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